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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,426	12/18/2001	Benjamin K. Gibbs	42390P12945	2502

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EXAMINER

TRAN, CONGVAN

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/026,426	Applicant(s) GIBBS ET AL.	
	Examiner CongVan Tran	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec. 17, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 27-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to amendment filed on Dec.17, 2004.
2. Claims 17 and 21 have been amended.
3. Claims 27-30 have been canceled.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11, 21-24, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Cupps et al. (2002/0173344).

Regarding claims 1, 7-11, 21-24, and 26 Cupps discloses a novel personal electronics device comprising: a host processor having an active state that allows a user to specify a policy, and an inactive state where the host processor is inoperative to user inputs (see fig1, element 101 and its description); and a device coupled to the host processor to transmit and receive Radio Frequency (RF) signals in accordance with the policy when the host processor is in the inactive state (see figs.2-3, element 102 and its description).

Regarding claim 2, Cupps further discloses wherein the inactive state of the host processor includes the host processor in one of a power-off state, a power-down state,

a standby state and a sleep state (see paragraph [0027] figs.2-3, fig.5 and its description).

Regarding claim 3, Cupps further discloses the policy includes at least one selected from a group that includes intranet services, e-commerce services, user preferences, email messages, stock quotes, or Uniform Resource Locators (URLs) (see abstract, figs.2-3, fig.5, paragraph [0002] and its description).

Regarding claims 4-6, Cupps further comprising a memory coupled to the host processor and to the device (see figs.2-3 paragraph [0002]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 12-20, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps et al. (2002/0173344) in view of Mizoguchi et al. (5,566,226).

Regarding claims 12-20, and 25, Cupps discloses a novel personal electronics device comprising: a host processor having an active state to generate a policy and an inactive state where the host processor is not responsive to user inputs; (see fig1, element 101 and its description); and an RF device (see figs.2-3, element 102 and its description), Except for the RF device attached to a card. However, Mizoguchi discloses a portable apparatus which can be connected to an external apparatus without using an adapter, comprising: RF device attached to a card to insert into a slot

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of the portable system, wherein the RF device after insertion into the slot is coupled to the host processor to receive the policy and transmit and receive Radio Frequency (RF) signals in accordance with the policy when the host processor is in the inactive state (see figs.2-3, elements 20, 22, 50 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Mizoguchi's the RF device attached to a card to insert into a slot of the portable system in Cupps' invention to provide a portable telephone apparatus which can be connected to a data processing apparatus without using an adapter unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'CV Tran', with a large, sweeping loop at the beginning and a horizontal line extending to the right.

CongVan Tran
Primary Examiner
Art Unit 2617

Aug. 24, 2006.